

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| <b>In re:</b>              | : |                                  |
|                            | : |                                  |
| <b>Lonnie James Thomas</b> | : | <b>Case No.: 16-51678</b>        |
| <b>Tina Marie Thomas</b>   | : | <b>Chapter 13</b>                |
|                            | : | <b>Judge John E. Hoffman Jr.</b> |
| <b>Debtor(s).</b>          | : | <b>* * * * *</b>                 |
|                            | : |                                  |
|                            | : |                                  |

**OBJECTION TO CONFIRMATION OF PLAN (DOCKET NUMBER 6)**

Now comes Wells Fargo Bank, N.A. ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and objects to confirmation of the Chapter 13 plan of Lonnie James Thomas and Tina Marie Thomas (collectively, "Debtor"). For the reasons which follow, confirmation should be denied.

**MEMORANDUM IN SUPPORT OF OBJECTION**

Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 414 Alton Darby Creek Rd, Galloway, OH 43119. The Debtor's Chapter 13 Plan proposes to treat Creditor's claim unfairly by providing for an inadequate arrearage amount. The amount of the arrearage in the Chapter 13 Plan is not listed and the amount that Creditor has calculated and intends to include in its claim is \$1,099.36. In addition, Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Adam B. Hall

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Attorneys for Creditor

The case attorney for this file is Adam B. Hall.

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2016, a copy of the foregoing Objection to Confirmation was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

Office of U.S. Trustee, Southern District of Ohio, Party of Interest, 170 North High Street, #200, Columbus, OH 43215

Faye D. English, One Columbus, 10 West Broad St, Suite 900, Columbus, OH 43215

Derek Michael Shaw, Attorney for Lonnie James Thomas and Tina Marie Thomas, Calig Law Firm, 513 E. Rich Street, Suite 210, Columbus, OH 43215, measter@caliglawn.com

and on the below listed parties by regular U.S. mail, postage prepaid:

Lonnie James Thomas and Tina Marie Thomas, 414 Alton Darby Creek Rd, Galloway, OH 43119

/s/ Adam B. Hall